

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**DIANNE LODEN, individually and on behalf
of all wrongful death beneficiaries of JEFFREY A. DAVIS** **PLAINTIFF**

VS. **CIVIL ACTION NO. 4:18-CV-118-DMB-JMV**

**MISSISSIPPI DEPARTMENT
OF CORRECTIONS, ET AL.** **DEFENDANTS**

MOTION FOR IMMUNITY-RELATED STAY

COMES NOW, Defendant, Mississippi Department of Corrections (“MDOC”), through undersigned counsel, and submits its Motion for Immunity Related Stay pursuant to Rule 16(b)(3)(B) of the Local Uniform Civil Rules, as follows:

1. On December June 1, 2018, Plaintiff filed suit against, among others, MDOC, asserting claims for alleged civil rights violations. [1]. On August 15, 2018, Defendant filed its Answer. [4]. On August 16, 2018, the Court entered a Rule 16 Initial Order [5], and the moving defendant filed a Motion to Dismiss based on Eleventh Amendment Immunity. [7].

2. L.U.Civ.R. 16(b)(3)(B) provides that the filing of an “immunity defense or jurisdictional defense motion stays the attorney conference and disclosure requirements and all discovery not related to the issue pending the court’s ruling on the motion....”

3. Until such time as this Court has ruled on the moving defendant’s Motion to Dismiss based on Eleventh Amendment immunity, L.U.Civ.R. 16(b)(3)(B) requires all matters, including the attorney conference and disclosure requirements be stayed.

4. Because of the simple and self-explanatory nature of this Motion, the moving defendant requests this Court relieve them of any obligation to submit a supporting memorandum of authorities.

WHEREFORE, PREMISES CONSIDERED, the moving defendant would respectfully request that, pursuant to L.U.Civ.R. 16(b)(3)(B), this Court stay all matters, including disclosure requirements and discovery, pending the resolution of the Motion to Dismiss.

DATE: AUGUST 16, 2018

**MISSISSIPPI DEPARTMENT OF CORRECTIONS,
*Defendant***

**JIM HOOD, ATTORNEY GENERAL
STATE OF MISSISSIPPI**

BY: /s/ J. Chadwick Williams
J. CHADWICK WILLIAMS (MSB #102158)

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have this day I electronically filed the above with the Clerk of the Court using the ECF system which gave notice of same to the following:

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This the 16th day of August, 2018.

/s/ J. Chadwick Williams